

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

ATS PRODUCTS, INC.,  
Plaintiff,  
v.  
CHAMPION FIBERGLASS, INC., *et al.*,  
Defendants.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Case No. 13-cv-02403-SI

**ORDER DENYING CAPITAL RESIN  
CORPORATION'S MOTION TO  
DISMISS THE FIFTH AMENDED  
COMPLAINT**

Re: Dkt. No. 230

Now before the Court is defendant Capital Resin Corporation's motion to dismiss the fifth amended complaint. Dkt. No. 230. Pursuant to Civil Local Rule 7-1(b), the Court finds this matter appropriate for resolution without oral argument and VACATES the hearing set for January 15, 2016. Having carefully considered the papers submitted, the Court hereby DENIES Capital Resin Corporation's motion to dismiss.

Capital Resin contends that ATS has failed to allege facts that would allow this Court to infer that Capital Resin knew or had reason to know that ATS's trade secrets were misappropriated. The Court has reviewed the new allegations contained in the fifth amended complaint, *see* Dkt. 215 ¶¶ 50, 55-57, 78(G), and finds that these allegations are sufficient to state a claim for misappropriation because ATS alleges, *inter alia*, that by March 2015, Capital Resin gained actual knowledge that the alleged new resins were being manufactured in violation of ATS's trade secret rights. Accordingly, the Court DENIES defendant's motion to dismiss the fifth amended complaint.

**IT IS SO ORDERED.**

Dated: January 7, 2016



SUSAN ILLSTON  
United States District Judge